

AGN. NO.

MOTION BY SUPERVISORS JANICE HAHN  
AND HILDA L. SOLIS

March 17, 2020

**Grand Avenue / Golden Springs Widening Project and Diamond Bar Golf Course**

The City of Industry (Industry), in concert with the Successor Agency to the Industry Urban-Development Agency (Successor Agency) are providing associated feeder street improvements to Grand Avenue and Golden Springs Drive, which is a part of the widening of the 57 and 60 Freeway Confluence.

County of Los Angeles (County) is the owner of certain real property which is located at 22751 Golden Springs Drive, Diamond Bar, California 91765 and is identified as County Assessor's Parcel Numbers 8717-002-905; 8717-002-906; 8717-002-907; 8717-001-907; and 8717-001-908 more commonly known as the Diamond Bar Golf Course (Golf Course). The American Golf Corporation (Operator) currently operates the Golf Course on a month-to-month basis.

The Successor Agency and Industry desires to widen Grand Avenue and Golden Springs Drive on portions of the Golf Course (Project). The Project will include adding one northbound lane and two southbound lanes on Grand Avenue, adding one right-turn lane at Golden Springs Drive, building a retaining wall, increasing traffic lane widths along

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Grand Avenue, sidewalk widening, adding new decorative traffic signals, and adding new street lights on the north side of Golden Springs Drive.

The Successor Agency and Industry are seeking to acquire from the County the following:

- Property in fee (Right of Way and Slope Area)
- Temporary construction access rights
- Permanent easements

Additionally, the Successor Agency is seeking a right of entry license to relocate a Golf Course hole to accommodate the Project.

County and Operator have been working closely with the Successor Agency to ensure that any construction that will occur on the Golf Course property will result in minimal impact to the golf operation. The Successor Agency has requested from the County a temporary construction license (Temporary Construction License) and a right of entry license (ROE) to enter the area and perform the construction work. In addition, Industry has requested from the County a footing easement to construct a retaining wall (Footing Easement) and an access easement for maintenance purposes only (Access Easement) (together, the Permanent Easements). Industry is prepared to compensate the County for the acquisition of the Right of Way (ROW) and Slope area (Slope) properties, Footing Easement, Access Easement Temporary Construction License, and the ROE, and adhere to the terms set forth in Exhibit "A". County has commissioned an appraisal to determine the value of the ROW and Slope properties, Permanent Easements, Temporary Construction License and the ROE, and Industry has agreed to pay the appraised value.

The conveyance of the County Property to Industry is authorized by Government Code section 25365, which authorizes the conveyance of real property between the County and public agencies when the property is not required for County use. Unless the public agency to which the property is transferred pursuant to this section and the public agency transferring the property are governed by the same County Board of Supervisors, the transferring Board of Supervisors shall publish a notice of its intended action pursuant to Section 6061 at least one week prior thereto in a newspaper of general circulation published in the county.

The County property is exempt surplus land as defined in Government Code section 54221(f)(1)(D) in that it is surplus land that a local agency is transferring to another local, state, or federal agency for the agency's use. On February 25, 2020, the City of Diamond Bar's Planning Commission (City) adopted a resolution and made the finding that the disposition and acquisition of land between the County and Industry is in conformance with the City's general plan.

Pursuant to Government Code section 25526.6, the County may grant or otherwise convey the easement, licenses and/or permits to Industry as the conveyances are in the public interest, and these conveyances will not substantially conflict or interfere with the County's and Operator's use of the Golf Course.

The County and Industry will enter into: (i) a Purchase and Sale Agreement for the sale of: the County's fee interest in the ROW and Slope areas and Permanent Easements; and the County and the Successor Agency will enter into (i) a Temporary Construction License agreement for construction access, and (ii) an ROE for relocation and reconstruction of hole #3 of the Golf Course. The County will grant Industry a Footing

Easement to build retaining walls and Access Easement for maintenance purposes only. The conveyance documents will include terms and conditions, including those as set forth in Exhibit "A" and as approved by County Counsel, in coordination with County and Operator. The Board's approval of the following recommendations will allow the County and Industry to proceed with finalizing the proposed purchase and sale agreement, license, ROE, and Footing and Access easements to allow the Successor Agency's Project to proceed in a timely manner to completion. Industry will be responsible for any and all costs associated with this Project.

The County is acting as a responsible agency for the SR-57/SR-60 Confluence Project under the California Environmental Quality Act (CEQA). The California Department of Transportation (Caltrans) – District 7, as lead agency, has prepared a Draft Environmental Impact Report/Environmental Assessment, consulted with the County, and approved a Final Environmental Impact Report and Finding of No Significant Impact (FEIR/FONSI) for this Project on December 11, 2013. Caltrans District 7's coordination with the County to reconfigure the golf course and replace parkland in-kind, as well as make aesthetic improvements has led to lessening impacts and improving the Golf Course. The compensatory provisions for the Golf Course are included as part of the Project. A NEPA/CEQA Re-Validation Memorandum was also approved by Caltrans on February 18, 2015, due to minor changes to construction phasing and minor design modifications to the SR-57/SR-60 Confluence Project that were made subsequent to the December 2013 FEIR/FONSI.

The County is also acting as a responsible agency for Phase IIA of the SR-57/SR-60 Confluence Project under CEQA. Additional minor design modifications to the Project

have been made since project approval for 2013 FEIR/FONSI and 2015 Re-Validation Memorandum. The Successor Agency, as lead agency, has prepared an Addendum to the FEIR/FONSI, consulted with the County, and approved the Addendum to the FEIR/FONSI for Phase IIA on August 22, 2019.

**I, THEREFORE MOVE** that the Board of Supervisors:

- 1) Act as a responsible agency for the Grand Avenue / Golden Springs Widening Project, consider the Addendum to the Final Environmental Impact Report and Finding of No Significant Impact (FEIR/FONSI) prepared and approved by the Successor Agency as lead agency, the NEPA/CEQA Re-Validation Memorandum, and the FEIR/FONSI prepared and approved by Caltrans as lead agency; certify that the Board has independently reviewed and considered the information contained in the Addendum to the FEIR/FONSI, NEPA/CEQA Re-Validation Memorandum, and the FEIR/FONSI; and reached its conclusions regarding the environmental effects of the County's approvals related to the Project as shown in the Addendum to the FEIR/FONSI, NEPA/CEQA Re-Validation Memorandum, and the FEIR/FONSI; adopt the Environmental Commitments Record as applicable; and determine that the significant adverse effects of the Project have been reduced to an acceptable level as outlined in the Discussion of Significance of Impacts, which findings are adopted and incorporated herein by reference as applicable;
- 2) Find that the portion of the Diamond Bar Golf Course located at 22751 Golden Springs Drive, Diamond Bar, California 91765, proposed to be for temporary use by the Successor Agency, for construction and staging purposes at the County's appraised

value, is not currently needed for County purposes, will not substantially conflict or interfere with the County's use of these properties, and is in the public interest;

- 3) Find that the portion of the Diamond Bar Golf Course, proposed to be sold to and acquired by Industry, including the roadway supporting slope, for the widening of Grand Avenue and Golden Springs Drive, at the County's appraised value, is not currently needed for County purposes, will not substantially conflict or interfere with the County's use of the Golf Course, and is in the public interest;
- 4) Find that the County-owned real property is exempt surplus land as defined in Government Code Section 54221(f)(1)(D), in that it is surplus land that a local agency is transferring to another local, state, or federal agency for the agency's use;
- 5) Authorize the Acting Director of the Los Angeles County Department of Parks and Recreation (Parks), or her designee, to take all further actions necessary and appropriate to complete the transaction, including opening and management of escrow and execution of any escrow documentation to consummate the purchase, including to negotiate and execute the Purchase and Sale Agreement, Quitclaim Deeds, Temporary Construction License, right of entry license (ROE), Access Easement, Footing Easement, and any other ancillary documentation approved as to form by County Counsel consistent with the terms set forth in Exhibit "A," and authorize the Acting Director of Parks, or her designee to take all further actions necessary and appropriate to implement the terms and conditions of the Agreements and various easements and license; and
- 6) Authorize the Auditor-Controller to deposit the funds received as consideration for the land sale, granting of the Temporary Construction License, ROE, Access Easement,

and Footing Easement in the Diamond Bar Golf Capital Improvement Fund – Account  
# CA2 – GV17 with Parks / Asset Development Implementation Fund.

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# EXHIBIT A

## Outline of Real Estate Rights with Terms and Conditions for the Grand Avenue/Golden Springs Drive Project between the County of Los Angeles, Industry and Successor Agency Term Sheet

APNs (8717-002-905; 8717-002-906; 8717-002-907; 8717-001-907; 8717-001-908)

The County and Industry will enter into an agreement (Agreement) which will include the following sections A-E below and all documents shall be based on the County's standard forms including, per attached Map A.

### **A. Fee Simple Land Acquisition:**

1. Industry desires to acquire portions of the Golf Course for roadway purposes and shall enter into a Purchase and Sale Agreement with County for the Fee Simple land acquisition as follows:
2. Right of Way: 0.74 acres in fee for the roadway widening of Grand Avenue and Golden Springs Drive (ROW)
3. Slope Area: 2.96 acres roadway supporting slope of East and West bound of Grand Avenue and the North side of the Golden Springs Drive (Slope).
4. Industry shall provide Survey with Legal Description and Exhibit Map. Land survey must be prepared by Licensed Surveyor. The County will review and advise if additional information is required.
5. County will determine the Fair Market Value (FMV) on the land required for the Project through a County appraisal.
6. County reserves the right to require deed restriction.
7. County shall convey the Property to Industry by Quitclaim Deed and Industry shall accept the Quitclaim Deed.

### **B. Temporary Construction License (TCL):**

1. Successor Agency has requested 2.37 acres in temporary construction license ("TCL") area for staging and construction activities connected with the Project in the Golf Course. The TCL agreement will



acknowledge that the County will grant the TCL pursuant to an agreement that will specify the consideration to be paid and how payment will be delivered.

2. Industry will agree to pay the appraised value, as determined by the County appraisal, with monthly payments commencing within 30 days after executing the TCL.
3. The term of TCL shall commence upon execution of TCL by the County and shall terminate eighteen (18) months thereafter, unless extended in writing by the County, through its Director of Parks and Recreation, and Successor Agency.
4. The TCL will permit Successor Agency to work only Monday through Friday 7am -5pm (the "Standard Working Hours").
5. Successor Agency may work additional hours beyond the Standard Working Hours subject to prior written approval by the County and Golf Course, which shall be granted in their sole discretion.
6. Successor Agency is to work directly with Park's Golf Division and Golf Course operator to establish a plan to minimize the effects of staging and construction activities on normal golf operations and guest inconveniences.

#### **C. Right of Entry (ROE) Permit:**

1. Successor Agency shall obtain a Right of Entry Permit/License from the County to relocate Hole #3 of the Golf Course. The relocation and reconfiguration of Hole #3 will take place as part of this Project as a mitigation effort to keep the golf course whole. The work will be done by Successor Agency over a period of approximately twelve (12) months. Construction of the new hole will occur prior to the removal of the existing hole. Industry will be responsible for any and all costs associated with relocation and reconfiguration of Hole #3;
2. The cost for this ROE Permit is a \$500 flat fee.

#### **D. Retaining Wall: Footing Easement**

1. Industry has requested a permanent subsurface non-exclusive 0.05 acres Footing Easement for the footing for the retaining wall in the Golf Course

Parking lot. The PSA will acknowledge that the County will grant the Footing Easement and will specify the consideration to be paid and how payment will be delivered.

2. Industry shall provide Survey with Legal Description and Exhibit Map. Land surveys must be prepared by a Licensed Surveyor. The County will review the legal descriptions provided and will advise if additional information is required.
3. County will determine the Fair Market Value (FMV) on the land required for the Project by the County's appraisal. Industry will pay the appraised value as determined by the County appraisal, at the time the permanent Footing Easement is recorded.
4. County shall convey the easement to Industry by Footing Easement Deed and Industry shall accept it.

#### **E. Access Easement**

1. Industry has requested a permanent 0.30 acres Access Easement for maintenance purposes only. The PSA will acknowledge that the County will grant the Access Easement and will specify the consideration to be paid and how payment will be delivered.
2. Industry shall provide Survey with Legal Description and Exhibit Map. Land surveys must be prepared by a Licensed Surveyor. The County will review the legal descriptions provided and will advise if additional information is required.
3. County will determine the Fair Market Value (FMV) on the land required for the project by the County's appraisal. Industry will pay the appraised value as determined by the County appraisal, at the time the permanent Access Easement is recorded.
4. County shall convey the easement to Industry by Access Easement Deed and Industry shall accept it.